

Cross-retaliation in IP rights: addressing member asymmetries and compliance at the WTO

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Propositions accompanying the Dissertation

CROSS-RETALIATION IN IP RIGHTS: ADRESSING MEMBER ASYMMETRIES AND COMPLIANCE AT THE WTO

Renata Vargas Amaral

- 1: Adopted DSB rulings, recommendations and suggestions are binding and must be observed by WTO members (This thesis, Chapter II and III);
- 2: Although the WTO presents a high percentage of compliance within its dispute settlement decisions, the number does not indicate only cases of full compliance as it considers partial compliance of decisions and negotiations among members instead of compliance (This thesis, Chapter III);
- 3: The suspension of concessions in TRIPS is not for every developing country. Only countries with sufficient domestic market size with a considerable consumer demand, with basic technology, and with strength to confront the lobbies from powerful IP-dependent industries are capable of taking advantage of cross-retaliation in TRIPS (This thesis, Chapter IV);
- 4: National implementation, international commitments, economic feasibility - i.e. basic knowledge, domestic market size, costs of implementation -, and the political pressure are elements that shall be taken in consideration by the developing country wishing to cross-retaliate in IP rights (This thesis, Chapter IV);
- 5: The large number of trade disputes indicates not only disagreements between members on the consistency of trade measures, but also that the establishment of a rule-oriented mechanism brought a safer and more comfortable environment for the settlement of disputes.
- 6: The asymmetries of WTO members can be translated into huge differences regarding GDP, market share, technological standards, innovations and political power;
- 7: As members of an international organization, States are liable pursuant International Public Law rules for their attitudes and breach of obligations regarding the WTO law;
- 8: TRIPS Agreement is an impressive acquisition for the multilateral trading system as it brings substantial new international rule discipline to complement the protection for patents, copyrights, trade secrets and similar intellectual property subjects;
- 9: For centuries countries have been exchanging goods in order to export their own products and supply domestic demands importing from partners. More than ever before, multilateral trade is a key element of international connections among countries worldwide;

10: Trade is not only an exchange of products and services between countries, but also a relevant tool for the development of economies and societies;

11: Law delivers predictability to any system, but predictability does not seem to mean that the system is secure.